

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

GRETA FAIRBROTHER :  
v. : NO. 3:01CV162 (EBB)  
STATE OF CONNECTICUT :  
DEPARTMENT OF HEALTH :  
AND ADDICTION SERVICES :

RULING ON DEFENDANT'S RENEWED  
MOTION FOR A NEW TRIAL

Following remand, the defendant has renewed its motion, pursuant to Fed. R. Civ. P. 59(a), for a new trial on plaintiff's hostile work environment claim.

The court may order a new trial if it "is convinced that the jury has reached a seriously erroneous result or that the verdict is a miscarriage of justice." United States v. Landau, 155 F.3d 93, 104 (2d Cir. 1998), quoting Smith v. Lightning Bolt Productions, Inc., 801 F.2d 363, 370 (2d Cir. 1988). In arriving at a decision, the trial judge may weigh the evidence which need not be viewed in the light most favorable to the verdict winner. Id.

In this case the court has assessed the weight of the evidence which, in support of the verdict, consists of plaintiff's uncorroborated testimony as against the testimony of eleven defense witnesses and has concluded that the jury reached a seriously erroneous result and that a new trial should be ordered to prevent a miscarriage of justice.

Accordingly, the jury selection for a new trial shall be

held on February 14, 2006, at 10:00 a.m.

SO ORDERED.

ELLEN BREE BURNS, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

Dated at New Haven, CT, this \_\_\_\_ day of October, 2005.